IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3962 OF 2006

Krishna H. Bajaj ...Applicant

Versus

The State of Maharashtra & Ors. ...Respondents

Shri Zal Andhyarjuna i/by Shri Vivek M. Sharma for the Applicant.
Shri D.P.Adsule, A.P.P for the State.
Shri Shrirang Shrimani i/by M/s.Udwadia & Udeshi for the Respondent Nos.2 to 5.

CORAM : A. S. OKA, J.

DATE : DECEMBER 12, 2006.

P.C.:

1. Rule. The learned counsel appearing for the second to fifth Respondents waives service. The learned A.P.P waives service for the first Respondent. Taken up for hearing.

2. After arguing the Application for some time, the learned counsel appearing for the Applicant prays that he may be permitted to withdraw the Application made under section 91 of the Code of Criminal Procedure, 1973 with liberty to file an Application under sub-section 2 of section 244 of the Code of Criminal Procedure, 1973 at an appropriate stage. The

learned counsel appearing for the second to fifth Respondents has no objection for adopting the said course.

3. In view of this position, I pass the following order:

(i) The impugned Judgments and Orders are quashed and set aside. The Application made by the Applicant under section 91 of the Code of Criminal Procedure, 1973 is allowed to be withdrawn with liberty to the Applicant to make an Application under sub-section 2 of section 244 of the Code of Criminal Procedure, 1973 at an appropriate stage.

(ii) If such Application is made by the Applicant, the concerned court will decide the same on its own merits without being influenced by the order passed on the Application under section 91 of the Code of Criminal Procedure, 1973.

(iii) Application is disposed of in above terms.

(iv) At this stage, the learned counsel for the

Applicant prays for expeditious conclusion of the trial. I find that the Revisional Court by order dated 04th September, 2006 has already ordered expeditious disposal of the trial. It is obvious that the concerned court is bound to implement the said direction.

(v) Parties to act upon an authenticated copy of this order.

JUDGE